Present

App. F. IX-4

Previous References 1933. (Mazgaon) File No. 235-33

Serial Nos. 1

Later References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1

Part B for April 34

SUBJECT.

Appointment of Superintendent of Archaeology for Sind

Archaeological Superintendent likely to be appointed

1843-34

Mug - Appeal | re: Petn of Officiate as Adde and indepdt priest during the Rajaboosa of Pudukkottai at Chitra-Thirunal in Sex years. [illegible]

General and Revenue Secretariat | File No. | of 193 | [App. F. III—2

Serial No.

Petition dt 9-1-34 filed by Mr G. Srinivasa Advocate on behalf of his client Pudukkottai-Ramanathan Chettiar Chokka-Thirupathi Nadan appealing against the Decision of the Mug Commissioner in the Petition of Officiate as Adde and Indepdt priest during the Rajaboosa of Pudukkottai at Chitra-Thirunal in Sex years —

(1) The order appealed against is dated 18th Sept 1933 Time allowed for preferring the appeal is 90 days & this time limit has been exceeded by 20 days in this case. The petition is stamped & the authenticated Copy of Mug's decision is enclosed.

2) For admitting the appeal may be admitted & Records called for.

Endorsement of this petition was not given in red ink in the Rec's office on 13-10-33 (Vide original endorsement enclosed with the petition) Hence the appeal may be time barred as being in time

OFFICE OF THE SECOND MEMBER OF COUNCIL, 22 JAN. 1934 No. 1591

Records may be called for

17/1/34

2nd Mug

21/1

23/1

24/1

NOTE—Contn. Sheet.

1) Memo of forwarding Bundle on the P.L.A. is for final Signature —

8) [illegible]

Lr. to m.c. with no 1089. or 25/1/34.

Letter no 1089/33-34 dt 2.4.1934 from the Mudgal Commissioner forwarding records relating to the appeal preferred by the Archaka T. Venkatarama Acharya Chitrika Tirupathi. Yelburga Taluk.

2) Appeal from the Kattadaka Order of 1909, the appellant's share of worship in the temple is for 2 months in a year. The respondent Archakas have stated before the Dharmadarsi of the temple that the appellant belongs to a different gotram and that their ancestors brought the ancestors of the appellant, given them 2 months share in the Archakaship with a view to have the Worship conducted during this period & the Collection such as Archaka Etc. The contention of the appellant is that he may be allowed to conduct Worship independently the Rathotsavam Once in six years — This is not permitted by the Kattadaka of 1909 to which all the Archakas have agreed.

10) The D.C. in his decision

Serial No.

(See p.a.p. Flag)

has held that we see no reasons to vary the Settlement of 1909 except by the Consent of all parties - The D.C. has observed that the appellant has failed to establish his claim to Customary Worship independently in the course of the proceedings the appeal. The record & grounds have been urged by the appellant to set aside the order of

11) The books of the appeal may be posted for hearing -

12) It will be seen from the preamble to the Sub order of 18.9.33 (Flag 2) that the agreement of 1909 (Flag 2) kattadaka of 1909 was acted upon by all the parties till 1932 for over 20 years & that owing to some disagreement between the 1st Respondent & the appellant the latter petitioned the S.D.O. requesting to be allowed to do Puja in that year's Rakshavaram independently of the 1st Respondent and that the Amildar reported among other things that the appellant was not capable of managing the function by himself and that the Dharmadasan consent in favour of the appellant's request being granted. On this the appellant's request was not granted by the S.D.O. The D.C. & we have both upheld

NOTE—Contn. Sheet.

4) Mem Appl 18/Gt 33-34

Mem File No. 235 of 1933-4 General and Revenue Secretariat

The decision of the S.D.O.

13) The appellant has not urged any fresh grounds now in support of his contention. No hearing seems necessary. The appeal may perhaps be dismissed.

14/4/34

RECD. BY THE SECOND MEMBER OF BOARD. 16 APR. 1934 No. 67

Je Secy)

2nd Mr)

14) 14/4

15) 9 agree 14/4

S/or 17/4

2/17/4

Dft. submd

Cur Issue Dft 2/VII/4

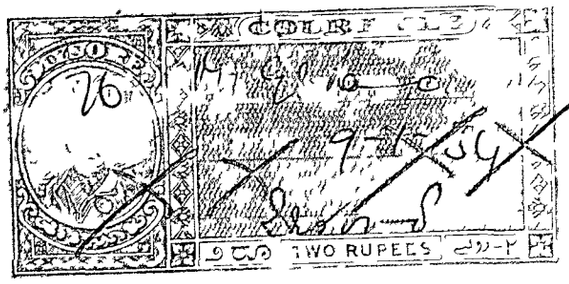
23 No. 1425 dy 27.4-34 to The Advocate for the appellant intimating that the appeal preferred by his client T. Venkataramanaswami Aiyah Chickiampathi Malek Taluk is rejected.

B 4.5.34.

Memo no 1426 dy 27.4.34 to the Manager Commissioner returning records received from him on the subject.

No 1427 dy 27.4.34 to Mr. T. Venkataramanaswami Aiyah Chickiampathi Malek Taluk stating that his appeal is rejected.

TYPING SECTION 24 APR 1934 GENL & REV SECT.

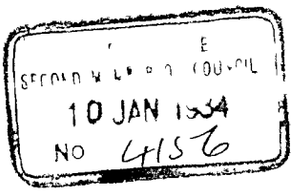


Presented by Mr. G. Srinivasa 9/11/34

BEFORE THE GOVERNMENT OF HIS HIGHNESS

THE MAHARAJA OF MYSORE.

*****:O:*****



Muzrai Appeal No. 18 of 1933-34.

In the Court of the Muzrai Commissioner in Mysore

Muzrai Appeal No. 11 of 1932-33.

Appellant:-

T. Venkataramanachar, Archak, Chikka Thirupathi, Malur Taluk.

Vs.

Respondents:-

(1) Venkataramanachar, legal representative of the deceased Surappa.

(2) Thimmappa,

(3) Lakshminarayanachar,

Archaks of Chikka Thirupathi, Malur Taluk.

Subject matter.-

Re- allowing the appellant to conduct the rathotsavam or car festival of Sri Venkataramana-swami Temple, Chikka Thirupathi, solely and independently once in six years instead of jointly with the first ~~defendant~~ respondent once in ~~three~~ four years.

Under Sections 38 (3) and 39 of the Mysore Religious and Charitable Institutions Regulation of 1927, the appellant begs to prefer the following appeal against the order of the learned Muzrai Commissioner in Muzrai Appeal No. 11 of 1932-33 (refusing to allow the ap--

appellant to officiate as sole and independent priest in the Rathotsavam once in six years as prayed for by him) for the following among other grounds:-

(1) The learned Muzrai Commissioner erred in considering or viewing that the appellant was trying to establish any sole or independent or fresh right or title to the conduct of the Rathotsavam and that he has failed to establish such right or title and in dismissing the appeal summarily. The reasons given by the learned Muzrai Commissioner for dismissing the appeal, are not correct, tenable or sufficient.

(2) The learned Muzrai Commissioner erred in failing to consider that what all the appellant required was an equitable and absolutely necessary relief that he should conduct the Rathotsavam independently once in six years instead of conducting jointly with the first respondent once in four years.

(3) The learned Muzrai Commissioner erred in taking a very serious view of the case whereas the appellant had simply prayed for a relief which would not in any way prejudice any interests of the respondents but which on the other hand would work very great benefit to all the ~~properties~~ parties concerned, to the interests of the institution and to the interests of entire public.

(4) The learned Muzrai Commissioner erred in absolutely ignoring that time had changed, that the same amicable feelings and

and state of affairs and circumstances which existed in 1909 between the parties when the Kattadaka was executed, did not and could not possibly continue and that every aspect of the case required and favoured a change in the matter as prayed for by the appellant.

(5) The learned Muzrai Commissioner erred in failing to consider the utter impracticability of the appellant and first respondent jointly conducting the Rathotsavam when admittedly and prima-facie there were ill-feelings between the parties and that such joint conduct of the Rathotsavam in such circumstances and state of feelings were neither to the material or spiritual interests of the parties concerned nor of the festival itself.

(6) The learned Muzrai Commissioner erred in failing to consider that even as Archak, the appellant had only two months in the year allotted to him and that his turn as Archak came only in the very dull months of the year, and at least that he should not be harnessed along with another unwilling party so far as the ~~term~~ turn of Rathotsavam was concerned which came only once in four years.

(7) The learned Muzrai Commissioner erred in entirely ignoring that insisting on the joint conduct of Rathotsavam especially in the peculiar circumstances of the case, would not be conducive to either of the persons responsible to work enthusiastically and whole-heartedly in the matter and that each would be more anxious to throw the responsibility and blame on the

the other and would be more anxious to get at as much pecuniary advantage to himself as possible therefrom.

(8) The learned Muzrai Commissioner erred in failing to consider that joint offices are not in vogue in modern days and are opposed to all modern principles as not being conducive to the advancement of the interests of the office itself, or to the efficiency of the office in question.

(9) The order of the learned Muzrai Commissioner is otherwise not according to law, facts or circumstances of the case and is opposed to all principles of equity. The appellant will be put to irreparable loss, damages, hardship and annoyance if the order of the Lower Court is not set aside. Further the appellant will be ruined on account of the respondents who are all colluding together and who dominate and have the upper hand over the poor appellant and who are bent upon coercing or forcing the appellant resile from even the joint conduct of Rathotsavam by making it too hot and impossible for him to work together with the first respondent. Further the appellant will be rendered without any other remedy in the matter.

(10) Though the order of the learned Muzrai Commissioner is dated the 18th September 1933, the endorsement (herewith filed) to the appellant was issued only on the 13th October 1933 and was received by him subsequently and the appeal is quite in time.

time.

(11) The appellant submits that he has got very good and substantial points of law, equity and facts to urge for ~~the~~ favorable consideration before this Honorable Court and he humbly prays that his Counsel may be kindly heard before any final orders are passed in the appeal by this Honorable Court.

(12) Wherefore the appellant prays that this Honorable Court may be pleased to allow this appeal to set aside the order of the Lower Courts and to direct that the appellant be allowed to conduct solely and independently the Rathotsovam of the temple once in six years as prayed for by him and for any other reliefs that this Honorable Court may deem fit to grant in the circumstances of this case.

9-1-34
B'lore

T. Srinivasa Rao
Advocate for
Appellant.
9/1/34

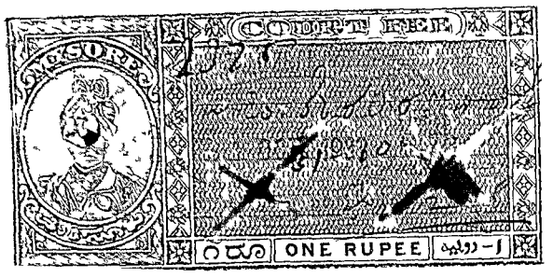
P. S. The address of the Appellant for purposes of Notice or Communication is c/o Srimanjee Srinivasa Rao Advocate, Bukelet, Bangalore City

C1009
33-34

OFFICE OF THE MUZRAI COMMISSIONER
No 10
25 JAN. 1934
IN MYSORE BANGALORE

1029/Muz of 25-1-34.
Forwarded with compliments to the Muzrai Commissioner for favour of submitting the connected records.

By order,
24/1/34
for Financial Secretary



In the Court of the Muzrai Commissioner in Mysore, Bangalore

Appeal No 11/32-33

Appellant — J Venkataramanachar, Archak Chik Tirupati Malur Taluk

Respondents. — 1 Swappa, since deceased by his legal Representative, Venkataramanachar

2 Timmappa

3 Lakshmanarasachar, Archaka Chik Tirupati, Malur Taluk

Subject

Appeal against the Kolar Deputy Commissioner's Order refusing to permit the appellant to officiate as sole and independent priest during the Kathotsava of the Venkataramanaswami temple at Chik Tirupati, once in six years as prayed for by him

Facts of the Case

The temple in question is a major institution and the appellant is a hereditary archak for 2 months in a year. The respondents are also hereditary archaks in the same temple for 4, 3 and 3 months respectively. This division of worship was agreed to by the parties by a Kattukatte dated 26-3-1904, which also provides the Conduct of the annual Rathotsava that Comes off in Chaitramasa of every year as follows.

For every four years, the first year's Utsava is to be Conducted by Swappa, the second year's by Timmappa, the Third years jointly by Swappa and

Thimmaliah (appellant's ancestor) and the fourth 'Years by Lakshminaranachar. This agreement was satisfactorily worked out till 1932 for a period of over 20 years when on account of certain disagreement between the 1st Respondent and the Appellant, the latter petitioned the Sub Division Officer stating that he might be allowed to do the duties in that year's Rathotsava independently and not jointly with Archak Sivappa. Sivappa objected to the proposal on the ground that the appellant owes his hak to a gift by his (Respondents') ancestors that he has worked jointly with him for 20 years and there was no occasion to change the mamool. The Amildar reported that it was the time honoured mamool that both the appellant and the 1st Respondent should join and do duty during Rathotsavams, that the appellant was not capable of managing the function by himself and that the Dharmadarsis were not in favour of the appellant's request. The Sub Division Officer ordered on 7-4-32 that the appellant must do duty in conjunction with Sivappa as in previous years. On appeal the Deputy Commissioner upheld the Sub Division Officer's order on the ground that the settlement of 1904 was 23 years old and there was no reason to vary it

Hence the present appeal The only ground urged by the appellant for the innovation is that the conditions which prevailed in 1909 do not exist now and that the parties cannot harmoniously work together.

The case came up for hearing on 16-9-33 when Sri. Kara Rao for appellant and Mr. D. Shama Rao

for the 1st Respondent was heard. The third opponent was present

Order App. 11/32-33 Dated 16-1-33

The appellant has failed to establish his claim to conduct worship independently in the temple

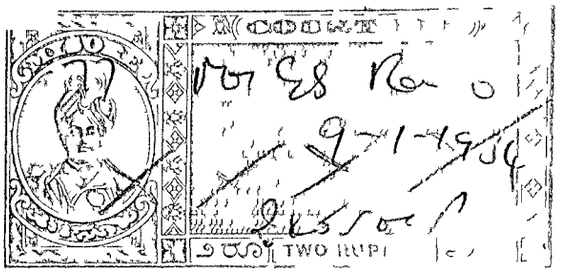
The appeal is dismissed

Sd/- N Krishnaswami Rau
Munsif Commissioner

Copy applied by - J Venkataramanachar.
Copy applied on — 27-10-33
Copy delivered on —
No. of words — 410
Copying fee — 0-10-0
Comparing fee — 0-2-6
Copied by - W Gopinath
Compared by - S. Jayaramarao

" Copy "

V V Venkamma Bhatta
for Manager
Mun: Commissioners
Office



Before the Court of the Hon Subordinate Judge of Nellore

ಕೋರ್ಟಿಗೆ.

Misc ~~No.~~ Appeal No of 1933 1934

~~ನಾದಿ ಯಾ ಅರ್ಜಿದಾರ್.~~ ~~ಪ್ರತಿವಾದಿ ಯಾ ಅಪೋನೆಂಟ್.~~

Appellant — T Venkalaravacharlu Vs. Respondents — (1) Venkalaravacharlu and others

ಮು|| ರಾ|| ಗಿರ್ಯಾಜಿ ಶ್ರೀನಿವಾಸರಾವ್, ಬಿ.ಎ., ಎಲ್.ಎಲ್.ಬಿ., ಅಡ್ವೋಕೇಟ್‌ರವರಿಗೆ

appellant ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

ಮೇಲ್ಕಂಡ ನಂಬರ್ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೂ, ಈ ಮೊಕದ್ದಮೆಗೆ ಸಂಬಂಧಪಟ್ಟ ವಿಶಿಷ್ಟ ನಡವಳಿಕೆಗಳ ವಿಷಯದಲ್ಲೂ ಅರ್ಜಿ ವಗೈರೆ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆದುಕೊಂಡು ರಶೀತಿ ಕೊಡುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗಾಗಿ ವಾಪಸು ಆಗುವ ದಾವಾಸ್ಟ್ಯಾಂಪು, ಪ್ರೋಸೆಸ್ ಸ್ಟ್ಯಾಂಪು ಮತ್ತು ಇತರೆ ಸ್ಟ್ಯಾಂಪು ಸಹ ಪಡೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಮತ್ತು ನನ್ನ ಬಾಬ್ತು ವಿಶಿಷ್ಟ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ಕೋರ್ಟಿನಿಂದ ವಾಪಸು ತೆಗೆದುಕೊಳ್ಳುವುದಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿರುತ್ತೇನೆ. ಈ ವಿಷಯದಲ್ಲಿ ತಾವು ಅಥವಾ ತಮ ಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೆಲ್ಲಾ ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿರುವಂತೆ ಒಪ್ಪಲು ಇದರಿಂದ ಬದ್ಧನಾಗಿ ಇದೇನೆ.

ತಾ|| 9-1-34. 193 } ರುಜು T ವೆಂಕಟರಾವಾ ಬರ್ಕಿಲು

B'lore City

ಈ ಮೊಕ್ತ್ಯಾರ್ ನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ಥರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುವರೆಂದು ನಾನು ಸರ್ಟಫೈ ಮಾಡಿರುತ್ತೇನೆ

ಈ ಮೊಕ್ತ್ಯಾರ್‌ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದೇನೆ.

ಬೆಂಗಳೂರು ಪುಸ್ತಕ ಪ್ರಸ್,ಬಿ ಸಿಟ

M. C. 27]

ಮೈಸೂರು ಸೀಮೆಯ ಮುಜರಾಯಿ ಕಮಿಷನರವರ

ಆಫೀಸಿನಿಂದ.

ನಂ. A/2611 / 32-33 ಬೆಂಗಳೂರು ತಾ॥ 13-10-33

ಶಿರಾಲಾರ ಡಿಸ್ಟ್ರಿಕ್ಟು ಲೋಕಲ್ ಬೋರ್ಡು

ತಾಲ್ಲೂಕು ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ

ಗ್ರಾಮದಲ್ಲಿರುವ ಅಂಚೆಕಛೇರಿ ಕಟ್ಟಡ

.... .. ರಿಪೇರಿ ಮಾಡಿಸಲು ಕಾಸ್ಟಿಗೆ ಇಂಡಾರ್ಸು

ಇಕೇಬಿನಲ್ಲಿ ನಮೂದಿಸಿರುವ ಅರ್ಜಿಯೂ ಮತ್ತು ಈ

ವಿಷಯದಲ್ಲಿ ಶಿರಾಲಾರ ಡಿ॥ ಕೌನ್ಸಿಲ ರವರಿಂದ

ಬರಮಾಡಿಕೊಂಡ ರಿಕಾರ್ಡು ಪರಾಂಬರಿಸಲಾಯಿತು. ಕೆಳಗಿನಲ್ಲಿ ಸಹಿ

ರಿಜಿಸ್ಟರ್ ನಂ.....

ಜ್ಞಾಪ.....

ವಿಷಯ:—

ಚಿಕ್ಕನಾಯಕನಹಳ್ಳಿ ಶಾಲೆಯಿಂದ

ಉತ್ತರವನ್ನು ಸಿದ್ಧಪಡಿಸಿ ರಕ್ಷಿಸಿ

ಕೆಳಗಡೆಯಲ್ಲಿ ಸಹಿ ಮಾಡಿದೆ

WD 01150—GPB—300—5-1-31

పైన్ గ్రామము ప్రతిపాదనల్లో కొండ కొరకు గల్లపుంజర్ల సరిహద్దు
అయితే సరిహద్దులు పట్టి చూడగా తెలియుచున్నది.

For Mujrat Commissioner

M.C. 3.

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore,....31st...March.....1934

Mcs 235-33 2/4

O. 1009 Enc. 2 Files
33-34

No. A 2/34

FROM

N. Madhava Rau, Esquire., B.A., B.L.,

Muzrai Commissioner in Mysore.

To

S. Shamanna, Esquire., B.A.,

Secretary to the Government of His

Highness the Maharaja of Mysore,

Financial Department.

SIR,

With reference to your memo No.1029/ Muz. dated 25th January -- 1934, calling for the records relating to the conduct of Rathotsavam in the Sri Venkataramanaswami temple at Chicktirupati, Malur Taluk, I have the honour to forward herewith the entire records received with the Kolar Deputy Commissioner's letter No.A2.C.2058/33-34 dated 22nd March 1934 (copy enclosed) together with this office file App.11/32-33 dated 13th October 1933 and to state that the facts of the case have been set forth in the office appeal order dated 13th October 1933.

The appeal petition of T. Venkataramanachar is herewith returned.

I have the honour to be,

Sir,

Your most obedient servant,

N. Madhava Rau

Muzrai Commissioner.

Letter o.A2.C.2058/33-34 dated 22nd March 1934 from the Deputy Commissioner, Kolar District to the Muzrai Muzrai Commissioner in Mysore.

With reference to your official memorandum No.1009/33-34 dated 5th February 1934 re: the conduct of Rathothsavam in the Sri Venkataramanaswamy temple at Chikthirupathi, Malur Taluk, I have the honour to forward herewith the file of correspondence ending with the Malur Taluk Amildar's No.Muz.C.31/32-33 dated 19-3-34 together with the Appeal --- petition of T. Venkataramanachar in question. The facts of the case have been set forth in your appeal order No.Ap.11/32-33.

"C o p y"

For Muzrai Commissioner.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R. 1425 / Muz 235-33-6

General and Revenue Secretariat,

Dated, Bangalore, 26th April 1934. / 27th

FROM

The Financial Secretary to the Government of His Highness the Maharaja of Mysore.

To

Mr. Girmaji Srinivasa [illegible], B.A., B.L.,
Advocate, Bangalore City.

Dear Sir,

Subject: Muzrai Appeal against the decision of the Muzrai Commissioner refusing to permit T.Venkataramanachar archak Chicktirupati, Malur Taluk to officiate as sole and independent priest during the Brahmotsava of Sri Venkataramanaswami temple at the place.

With reference to petition dd 9th January 1934 filed by you on behalf of T.Venkataramanachar archak appealing against the Muzrai Commissioner's Order on the above subject, I am directed to inform you that as the appellant has not urged any fresh grounds in support of his contention the appeal is dismissed.

Yours faithfully,

for Financial Secretary to Government.

GS

Memo No 1426 dy 27.4.34 to the Muzrai Commissioner returning records received from him on the subject

No 1427 dy 27.4.34 to Mr T. Venkataramanachar Archak - Chick Tirupathi Malur Taluk.

Appendix F-G—1]

SUBJECT .....

.....

.....

6 copies

Diary No. of letter replied to .....

General and Revenue Secretariat

( )

the 193 .

Date of issue 27/4/34

Signed by B Muddu Krishnappa

AG
RG

List of enclosures .....

Copied by WR 6/4.

Examined by .....

Section Muz
File No. 235-33
Serial No. 4

No. 1725

To

Mr Gumaji Srinivasa Rao
BA. LLB.
Advocate.
Bampulcode city

Subj:- Muz Appl against the decision of the M.C. refusing to permit T. Venkatasubramanian Thanedar Chief Timbers, Malnad, to officiate as sole and independent priest during the Rathotsava of Sri Venkatramana Swami temple at the place.

Dear Sir,

With reference to your letter dt 9.1.34. filed by you on the 22nd

WD 0677—GPB—15,000—3-11-33

of T. Venkatarama Ayyar against the
finding given by the M.C.'s order
on the above subject, I am
directed to inform you that,
as the appellant
has not urged any fresh grounds
in support of his contention,
the appeal is dismissed.

Yours faithfully

for Secy

+ 1427 S. 27-4-34
Copy to Mr T. Venkatarama Ayyar
Archaka Chief Kumbakonam
Madras TR

B. O

for Secy

1426 Secret 21-4-34
Copy of M.C. returned records
received vide his letter No
1009 of 2/4/34.

B. O

for

2/4/34